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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,440	09/16/2003	Hiroichi Ukei	Q77488	9838

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EXAMINER

ZIRKER, DANIEL R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,440	<b>Applicant(s)</b> UKEI ET AL.	
	<b>Examiner</b> Daniel Zirker	<b>Art Unit</b> 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1,2 and 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, despite the many corrections quite a few problems still remain. In claim 1 the Examiner finds the phrase, "...an uneven portion of the supporting substrate having a shape extending in the vertical direction against the longitudinal direction being disposed on one side of the supporting substrate," to be vague, indefinite and confusing with respect to defining the structure of the adhesive tape "supporting substrate". Additionally, in line 6 "a" should be --the--, as should "an" in line 6. In line 8 "contains" seems inappropriate for a mixture which very probably comprises virtually the entire polymeric composition of the "plastic film" (line 7; this term should also be defined here as the --supporting substrate-- assuming applicants intend to use this terminology). Additionally, it is noted that virtually no LDPE of the alleged superior properties density is required to be present in the "supporting substrate" in a significant number of claimed embodiments. In line 8 "where a" is clearly poor grammar, as is "or more" in claim 2. As was noted in the Advisory Action the amendment in claim 5, --is transparent-- for "has transparency" has not been properly identified in the Response, and applicants are required to properly note it on the record with their next Response. In claims 8 and 9, line 1 of each, "a" should be -- the-- as is the case in claims 6 and 7. Finally, the Examiner notes that other problems may have been overlooked, such as the fact that applicants in claim 1

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appear to use the terms "adhesive tape", "supporting substrate", and "plastic film" somewhat interchangeably throughout claim 1, which could very well create confusion (as already noted in at least one instance).

3. The specification is objected to under 35 USC 112, first paragraph, as failing to contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the invention, substantially for the reasons most recently set forth in Paragraph No. 4 of Paper No. 010506, together with the following additional observations. More particularly, the Examiner respectfully submits that he has failed to obtain a suitable answer to what is believed to be a rather simple question. That is, why does the embodiment of Example 2 appear to be completely satisfactory, while the embodiments of Comparative Examples 1, 3 and 5, all of which are formed from virtually the identical blend of 70% LDPE/30% HDPE appear to obtain significantly inferior result? The Examiner first notes that applicants' Response (page 6) only notes that the three Comparative Examples use LDPE's having densities of only .003, .003 and .007g/cm<sup>3</sup> difference from the LDPE used in Example 2, while the Examiner further notes that the densities of the HDPE's used in Example 2 are identical with those used in Example 1 and Comparative Examples 1 and 5, and only .008 difference from that used in Comparative Example 3. Why then, the Examiner respectfully submits, in the face of such minor density differences in the polymeric blends which make up the various film supports is there such a marked change in properties of the films formed

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from the resulting compositions, in what is generally believed to be a relatively predictable art?

4. Claims 1,2 and 5-9 are rejected under 35 USC 112, first paragraph, as being based upon a non enabling disclosure.

5. Claims 1,2, and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang or Brown et al '957, each taken in view of Ishikawa et al, substantially for the reasons set forth in Paragraph No. 5 of paper No. 010506, together with the following additional observations. More particularly, applicants have amended claim 1 with the limitation that the density of the LDPE (which may be present in miniscule amounts up to virtually the entire backing composition) can be of a certain density range. Since, however, the claims read on multiple embodiments where the amount of LDPE of the alleged superior properties producing density is present in many of these embodiments in minute amounts, the Examiner believes that **even if there are improved properties** with the use of LPDE of the claimed density applicants' claims (including the newly presented dependent claims 6 and 7 which present differing LDPE density ranges than that now claimed) are much broader in scope than their alleged showing, and thus the **prima facie** case of record remains unrebutted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker  
Primary Examiner  
Art Unit 1771

A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive, flowing style.